

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

May 23, 2017

Present: Commissioner Mark Woolley, Commissioner T. Earl Jolley, Commissioner Sean D. Morrissey, Commissioner Julie Holbrook, Commissioner Brady Quinn, City Planner Greg Schindler, Planner David Mann, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Schaefermeyer, Deputy Recorder Cindy Valdez

Absent: Commissioner John Ellis

Others: See Attachment A

6:30 P.M.
REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Woolley opened the meeting and welcomed everyone present. He noted that all of the Commissioners are present except Commissioner John Ellis and he is excused from tonight's meeting.

B. Motion to Approve Agenda

Commissioner Morrissey motioned to approve the City Council Agenda for May 23 2017. Commissioner Holbrook seconded the motion. Vote was unanimous 5-0 in favor; Commissioner Ellis was absent from vote.

C. Approval of the Minutes from the Meeting held on May 9, 2017

Commissioner Quinn motioned to approve the May 9, 2017 Planning Commission Meeting Minutes. Commissioner Jolley seconded the motion. Vote was unanimous 5-0 in favor; Commissioner Ellis was absent from vote

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

Chairman Woolley said is the joint Council and Planning Meeting still scheduled for Tuesday May 30, 2017?

City Planner Schindler said yes that is correct. It will be a training meeting and the only (2) Commissioners that will not be attending are Commissioner Ellis and Commissioner Jolley.

Staff Attorney Schaefermeyer said I will get the training presentation materials, as well as the recording to Commissioner Ellis and Commissioner Jolley.

III. CITIZEN COMMENT

Chairman Woolley opened for Citizen Comment. There was none. He Closed the Citizen Comment.

IV. SUMMARY ACTION

**A.1 Issue: LOT LINE ADJUSTMENT BETWEEN LOTS 356 & 357 OF
DAYBREAK VILLAGE 5 PLAT 5**

Address: 5212 Dock Street & 10694 South Lamond Drive
File No: PLLC201700371
Applicant: Daybreak Communities

A.2 Potential Action Item – (See IV.A.1)

Commissioner Quinn motioned to approve File No. PLLC201700371 for Lot Line Adjustment between Lots 356 & 357 of Daybreak Village 5 Plat 5. Commissioner Morrissey seconded the motion. Vote was 5-0 unanimous in favor; Commissioner Ellis was absent from vote.

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

**B.1 Issue: DAYBREAK VILLAGE 4 WEST PLAT 3
PRELIMINARY PLAT**

Address: 10725 South Lake Terrace Avenue
File No: PLPP201700227
Applicant: Daybreak Communities

City Planner Greg Schindler reviewed background information on this item from the staff report.

Chairman Woolley opened the Public Hearing to comments. There was none. He closed the Public Hearing

B.2 Potential Action Item – (See VI.B.1)

Commissioner Holbrook motioned to approve File No. PLPP201700227 Daybreak Village 4 West Plat 3 Preliminary Plat. Commissioner Quinn seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Ellis was absent from the vote.

C.1 Issue: SOUTH JORDAN BEEHIVE ASSISTED LIVING

SITE PLAN

Address: 3440 West 11400 South
File No: PLSPR201600806
Applicant: Dan McCullough

Planner David Mann reviewed background information on this item from the staff report.

Commissioner Jolley said was there anything discussed about the retaining wall to the east.

Planner Mann said there were some notes to clear up the retaining wall and it was highlighted on the site plan. It emphasized that the retaining wall approval was done by way of the building permit, and it is not associated with the site plan approval, they are two separate applications, two different review processes, and they both have two different codes highlighted in the staff report.

Commissioner Quinn said if I remember correctly we had discussed a tree that was in the line of site, was that moved and taken care of?

Planner Mann said yes, that tree was removed.

Chairman Woolley opened the Public Hearing to comments.

Melanie Grant – South Jordan City – said some of the concerns I have are:

- Elevation of the property
- Drainage
- Safety and Integrity of the wall
- Having a Privacy Fence

In code 16.24.020, it is state that this is all one issue because nothing should have been done with the fence to begin with, but there is an 11ft. wall and it has been filled to the top. The staff report also states: “staff comments and recommendations will not guarantee, or imply approval of any portion of the site plan.” I was told by City staff that when this was ready for the site plan and the meeting was scheduled that I would be notified, and I have never received any notice, so that breaks codes 16.24.10-20-30-40-50, and 70. This property started out level with mine and it had a home on it, but since then they have put a fence on the property and filled it. The City cannot allow them to do that they have to follow their own laws. I have a lawsuit filed and there is one more in the que, and then mine is up. The grading and the wall are part of the site plan, and Mr. McCullough states that he has a grading permit, but he doesn’t, it is a landscape permit which allows them to move 80 yards of fill and that is it. I do have pictures of the wall plans, and the property against the wall, and at the last Planning Commission Meeting when this was heard it was asked by one of the Commissioner’s what the elevation was, and what it was going to be, and it was said by staff that it was going to be a parking lot. The bottom footings need to be at least 30 inches below the surface and I have a picture showing that the footings are sticking out on my side of the wall, so the integrity of the wall is definitely one of my concerns. It is my understanding that Dan McCullough is the one taking all of the risk by doing all of the work on the fence prior to approval. He also signed a paper on the landscape permit saying: “he holds the City harmless” so who is the fall guy here. The grading should not have begun until the house structure was totally removed, but he demolished the house full of asbestos, and buried half of that crud in the ground. My property is 11ft. lower than the front drainage pond and so the water is going to drain down on to my property. Mr. McCullough property is now 11ft. higher than mine, and now the ground is being raised up to that level, so I am now a fish

bowl. My kids cannot even go in the backyard because it is a safety concerns, no privacy. There should be a privacy fence there. I would like to know what is to stop a car from running into that wall. If you were to have a guardrail put in which isn't even a part of this plan, and somebody hits the guardrail it is going to affect the integrity of the fence, and the only one that is going to see it is going to be me. Mr. McCullough said part of the reason that he raised the ground was due to ADA requirements, so I called the ADA office and they are stating that there are no slope requirements except for in front where the parking stalls are. The retaining wall does not comply in so many ways. Mr. McCullough just wants this built so he can get income, but I sit on the other side and this is not fair. The City should have done something about this fence a year ago and the fence should never have been built, you can't keep sweeping this under the rug, it is going to keep coming back.

Chairman Woolley closed the Public Hearing.

Staff Attorney Schaefermeyer said this application was appealed by Ms. Grant and I am not sure that Planner Mann made that perfectly clear that the appeal was heard by the Hearing Officer and we received the appeal decision on March 22, 2017. After receiving the decision from the Hearing Officer we asked the applicant to submit all of the corrections, but the City did not schedule the Hearing until the City Engineer gave permission to proceed. Many of the things that Ms. Grant brought up in the first Planning Commission hearing itself, and most of them were provided to you at the first approval. There was a Land Disturbance Permit, and a Building Permit that was issued, but that was all before the site plan which is the part that is before you tonight. There are processes to appeal in both of those permits. I don't think it is worth it at this point for me to lay out the time-line for those permits, because that was before the site plan was submitted. Obviously, we can argue whether the City issued those permits correctly, but what is before you tonight is the site plan. If after this approval Ms. Grant wants to appeal to the Hearing Officer she can do that, and it will go through the same process as last time. The other thing that Ms. Grant mentioned was the property rights ombudsman. What happens by State Code is, if a private property owner disagrees with something the government is doing, they can contact the property rights ombudsman and do mediation, and as far as I know we have chosen not to do a mediation on this case, but I think the City would still be open to doing that. You can also ask for an advisory opinion, and that is what Ms. Grant has requested, but it has been on hold until the issues with the Hearing Officer are resolved. After your approval, and depending on what Ms. Grants chooses to do the City will deal with that apart from whatever appeals happen as well. His opinions are treated the same way a Court would treat them, and both sides will submit evidence and he will write a decision. The Hearing Officer is based on the record, and those two things can happen simultaneously. If the City doesn't prevail on the second appeal and they decide to appeal to the District Court, then the ombudsman has some leeway in order to stay those proceedings until he has issued his opinion, then based on his opinion both parties can decide if they still would like to move forward with the District Court. The McCullough's have rights in this as well. This is their application and their ability to comply with the ordinance is their responsibility, not the City. The City's responsibility is to review it according to the ordinances. The staff's recommendation tonight is that what the McCullough's have submitted complies with the ordinances and therefore should be approved.

Commission Quinn said in reviewing the engineering on the retaining wall, do you have any concerns?

Assistant City Engineer Shane Greenwood said we allow retention ponds, and this one is a retention pond in the front of the lot closer to the existing surface on 11400 S. and it is allowed in the code, so we don't have any issues with it.

Commissioner Quinn said are there any concerns with the elevation of the pond in relation to the neighbor's property?

Assistant City Engineer said we don't find any concerns.

Commissioner Holbrook said this a really odd piece of property now that he has had to build it up to put in the retaining wall, and I am wondering why the difference of the two permits, one for the wall and the other for everything else.

Assistant Engineer Greenwood said retaining walls greater than 4ft. require a building permit, so that is why that permit is separate from the site plan.

Staff Attorney Schaefermeyer said there are processes to challenge building permits, and there is an entire section of the code that talks about the land disturbance as well. I understand that it is difficult to understand the process. In residential zones a site plan is generally not required, but this is a unique case because of the use. In residential areas, you will see building permits for retaining walls and land use disturbance permits frequently. The engineering department does review the land disturbance permit and determine if a retaining wall would need a building permit, at that time the building department would be the ones to issue that permit.

Dan McCullough, South Jordan City – said I am the applicant and the owner of the property. It was my understanding at the last meeting that the Planning Commission approved the application with corrections. The corrections had to do with dealing with the concerns that Ms. Grant had, because at that time everything was correct on the plans. What I was told from the City was that the appeal was a procedural issue, and that there was no problems with what we did. When I got my permit to build the retaining wall I followed the code exactly, and I did exactly the same thing when I got my land disturbance permit. I started this project over 1 year ago and I really don't have anything more to add, unless you have questions for me.

Commissioner Quinn said could you address the safety fence and if you are planning to put in a guardrail on the east side of the property.

Mr. McCullough said yes, we are planning to put in a guardrail to keep people from falling off. There is not parking on that side so I don't see how a car would fall off, but I have asked if there is anything more I need to do, and I have been told no, that I am in compliance by my engineering firm, and also the City.

Chairman Woolley said on the east side of the paved area there is a concrete curb and gutter, and the wall is the height of the curb, as well as a fence that is more of a safety rail than guardrail that would be on top of that.

Mr. McCullough said there was a question asked about the cut at the bottom northeast corner, which is 46x12, and the bottom of the retention pond is 46x13. The water slopes to the center of the parking lot and it is brought into an approved drainage system that was a big expense on my part, but I did it to alleviate any possible concerns that Ms. Grant would have. The new code that South Jordan has says that the water has to be brought forward on the lot, that is your code, and I did what your code said. There was a 26ft. slope from one side of the property, to the other side of the property, and for years, and years, that slope ran down and there was never a problem. I come in and level it out, bring all of that water to the front, and now we supposedly have water going into Ms. Grants property. I know that there is a point that procedures need to be addressed, but there also needs to be an end to putting out frivolous objections. I have done everything that I have been requested to do to meet the requirements, and exceed what was asked of me. We are in full compliance of everything. I was told that I wouldn't even need to speak at this meeting, that it was just a procedural appeal. The appeal that went through had nothing to do with the site plan.

Commission Quinn said we would like to acknowledge that we understand your frustration. This has been a long drawn out process for you, longer than most, and we do want to acknowledge that you have been very patient and we hear you. We also hear the concerns of the other party and we want to make sure we are addressing everyone's concerns. That is why we have taken so much time to have this lengthy discussion. We want to make sure that we have a clear picture, so that when we make a decision tonight, we make the right decision for all the parties involved.

C.2 Potential Action Item – (See VI.C.1)

Commissioner Quinn motioned to approve File No. PLSPR201600806 for the construction of an assisted living center located at approximately 3440 West 11400 South as presented to the Planning Commission. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Ellis was absent from the vote.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

****Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

D.1 Issue: CATHOLIC DIOCESE OF SALT LAKE CITY REAL ESTATE CORPORATION LAND USE AMENDMENT AND REZONE

Address: 3667 West 10200 South

File No: PLZBA201700326

Applicant: Bryon Prince, Ivory Development, LLC

City Planner Greg Schindler reviewed background information on this item from the staff report.

Chairman Woolley opened the Public Hearing to comments.

Mike Johansen, South Jordan – said I am the President of the Jones Farms West Home Owners Association, which is located just north of the subject lot. I am in opposition to this zoning change request. I do not think it fits with the layout of the already established community. The request to rezone the entire lot all residential does seem consistent with the surrounding development, but the attempt to have it rezoned at medium density does not. The South Jordan General Plan states: “develop and maintain a pattern of residential land-use that provides for a variety of density types, yet maintains the high standards of the existing development.” Daybreak Community is located less than a mile from this lot and provides a considerable amount of density. The District Development is less than a mile south of this lot, along with a substantial development just south of the South Jordan Parkway providing a very large amount of medium density properties. I think that many mixed densities serve the local area very well. One of the goals of the General Plan is to maintain the high standards of the existing development. The Whispering Sands #2 Community directly west of this lot is zoned R-1.8. The homes continuing on Densinay Drive, and Whispering Sands are also zoned R-1.8. The Jones Farms subdivision located just north of this lot is zoned R-2.5. There are no residential properties surrounding this lot that are zoned higher than R-2.5. It does not serve the residents of this area well to put a small island of entire high-density homes right in the middle of low-density housing. It makes sense to not rezone this property higher than R-2.5 to maintain the integrity and the consistency of the existing developments. Another area of concern should also be the increased traffic burden being placed on Whispering Sands neighborhood road that is serving as an access point for South Jordan Parkway. I highly doubt that this road was planned with an access to South Jordan Parkway with the large amount of development that has occurred north of the neighborhood. A higher density for these new approved lots will only increase the traffic burden on a

neighborhood that is already experiencing too much traffic. The General Plan states: “approval of any zoning request for a more intense residential zone within the designated future land use map density range, must take into consideration the zoning and land use intensity of the properties in the area.” By taking into consideration the zoning and land use designation of any of the surrounding properties, a low density of R-2.5 or less serves the best interest of the landowners and the City. The current request should be denied, unless it is resubmitted to match the already established zone within the neighboring properties. I appreciate the opportunity to comment.

Gregory Cudworth, South Jordan – said I have lived in South Jordan for the last 22 years. I have worked in the Planning Department with West Valley City for 34 years, and this is not an appropriate zoning change for this property. I think if you took the property that is currently zoned R-1.8 and left it that way it would be great. I also think that if you would address the agricultural and see what is best to go in there that would be fine too. The thing I have always had concerns about are what I call “transient landowners” they are people that don’t own property now, come in with their money, and then they are gone. They don’t ever become part of the community, but we are a part of the community. We hope that you as planners take our interest, as well as the interest of the property owner to heart and do what I think is right, and deny this application.

Robert May, South Jordan – said I live along Dunsany Street and that street is close to this property. The point that I would like to make is that the existing road to this property either goes out through the Whispering Sands neighborhood, or it goes out through Dunsany Drive. On the other streets, you would have to go all the way up to 10200 S over to 4000 W and then backtrack out of Bangerter to get there, and believe me that does not happen. If one car is parked on either one of those street, the street becomes a one -way street. The additional traffic that is going to be on there will just make it worse, because it is already crowded. I would also be interested to know what other properties are going to be developed there; will it be condominiums or apartments?

Chairman Woolley said I would answer that question now. The zoning that we are contemplating tonight would not allow for condominiums or apartments.

Craig Taylor, South Jordan – said I live in South Jordan just off the Dunsany Road, and I am requesting that this application be denied tonight. I think that this presentation tonight is open ended with gentlemen’s agreements. The gentlemen’s agreements have not been lived up to in the past subdivisions, so when I hear there is going to be this agreement, and that agreement, I just don’t trust them because I have seen them fail even with legal advice, not once, but twice. In regards to the irrigation water, when we purchased our properties the water rights were deeded back to ourselves. The piece of paper that I had to sign when I bought my property said: “we would have the water rights.” Then South Jordan and the Water District took over those property rights, the pump station, and the distribution system to manage the water flow, and etc. The other issue I have is with the consistency of the neighborhood. We have been through many changes and now we have come full circle. I would like to ask you to please look at this, and address the idea of having multiple meetings and expecting us all to be here. We will do our best to find the notices showing where the next meeting is going to be.

Brent Level, South Jordan – said I live right up the street from this property. I am here tonight because I have been working with the Catholic Church. I would like to give the residents some background on how this started to take place. My ward house is just up the street on Dunsany Drive. I was running by that property a while back and my young men’s group asked me what was going in on that property. I found out that the master plan showed that it was zoned for “office use.” I am a developer, so I explained to them that if they put an office designation there it would put traffic constraints on the neighborhood. I spoke with the Catholic Church and told them I didn’t think they would want to do that. The Catholic Church builds very beautiful chapels, so they will get a higher flow of traffic going down these

neighborhoods. Originally, if you look at the R-2.5 the R-3, it is consistent with the area, and the reason I say R-3 is because we have a component with Bangerter Highway backing it, which is R-2.5. I think putting in R-3 zoning would be a lot better than an office project. I just wanted everybody to know what I was trying to do, and what my thoughts were on it. When we went in and met with the Assistant City Engineer Shane Greenwood we found out the density is almost the same on Bangerter Highway, it was a little bit shocking. I do understand that development can be a scary thing, but there are many great homes, and many great people in the neighborhoods surrounding there. The Catholic Church is in favor of this, and that is why they are not trying to increase the density, or create any gentlemen's agreements as was mentioned earlier.

Russ Whitney, South Jordan – said my home was the first home built in Whispering Sands Drive Phase 2, and I have been there for 24 years. When we first moved in the running joke was the Subdivision shouldn't be called Whispering Sands, it should be called "screaming gravel" because of how the wind blows out there. At that time there was nothing out there, 10400 S didn't even go through it dead-ended on 3200 W., so I have seen many changes through the years. I understand that development is inevitable, especially with everything going on up in Daybreak. The only thing that I am opposed to here is the rezoning. One of the reasons I moved out here was because of the larger lots. When I moved out here, you Commissioners were not even involved. We had heard rumors coming out of City Hall that "you would never see less than 1/3 acre lots in South Jordan." I speak on opposition of this just for the simple fact that you will be putting five homes on a 1-acre lot, and that is only going to increase the traffic, and we are already having traffic issues, this is just going to cause traffic backed up.

Brian Hoth, South Jordan – said I don't know if it is appropriate or not, but I would like to see a raise of hands from the people that are here tonight and strongly oppose this rezone. I just wanted to bring it to the City Council's attention that there is a large turnout of residents, and the majority are opposed to this rezone.

Robert Hogan, South Jordan – said I live on Whispering Sands and 10400 S. is three houses away from my home. If you look at where they are planning to put in the stop light, they are planning to put it right in right in the middle of our sidewalks. I don't know if any of you have noticed this, but I called and asked what the code states for the ADA, and I would say that for the last month we have been in violation on all four corners. The person that lives on the corner right now is moving out because of certain circumstances, but he rode his wheel chair to work every day. If you look across the street where the Auto Zone is, on the sidewalk is where they are going to put the stop light in. That is not going to solve the racetrack coming down from Daybreak; we can't even turn left because the cars are going so fast. The only thing the stop light is going to do is backup traffic on 4000 W. I bought here in this location because of the 1-acre lots. I am just a common man and I work hard for my money, and so does everyone else in here. When we bought our homes we expected South Jordan would adhere to the Ordinance's that were set up. I would also like to know whose design it was to put rock boulders along Bangerter Highway, and who is going to clean up Bangerter with boulders that big?

Chairman Woolley said UDOT is who takes care of the boulders on Bangerter Highway. We have no say on the cleanup regarding those boulders. I do appreciate your concerns, but if there are other residents that would like to speak tonight, we need to move on.

Mr. Hogan said ok, but I would like to challenge any one of you to try and turn left on 10400 S. in the morning, or to turn left at 6:00 p.m. in the evening. There is no good traffic plan, and if you add more house's it will not be a good situation.

Matthew Betts, South Jordan – said I live on Whispering Sands Circle, and you would think that living in a cul-de-sac it would be a lot quieter. When people are trying to get out of the neighborhood, they loop out through our circle to get out. When you build these home's it is just going to increase the traffic on that street and in our circle. I think there is just too many houses in this development. There are smaller houses on the east side of this proposed concept plan, and I don't think our homes are going to hold their value when you put a big sound wall in front of them, it does not fit the neighborhood.

Skip Gate, South Jordan – said I appreciate the effort to rezone the area, but I don't think higher density is fitting. However, I think doing smaller homes that are affordable will increase the likelihood of having short-term owners, and not having long-term renters that will eventually lead to having transient residents. When you have transient resident's the tendency is to not have regular upkeep on the yards, which will also lead to lower property values for the surrounding homes, as well as our neighborhood. You can see that in surrounding areas that have a lot of high-density housing they have increased crime going on in those areas. I also don't think that rezoning this to a higher density is in the best interest of this neighborhood.

Brian Tenney, South Jordan – said I would like to echo what everyone has said previously. I would selfishly like to see bigger lots there, because if I could get a ½-acre lot there I would probably buy one.

Lance Forfeld, South Jordan – said I have lived in the area for the last 3 years. The reason I moved into this neighborhood was because I grew up in the East Millcreek area, and what I loved about East Millcreek was the consistency. I grew up with Bryon Prince; we attended the same schools, and grew up in the same neighborhood.. I had an opinion about South Jordan because of Daybreak, and then I discovered the wonderful neighborhood that I now live in. The homes are all large lots, and very consistent. It reminds of the Millcreek area that I grew up in East Mill Creek. I just think this proposed zoning change needs to be denied. You have heard many of the residents here tonight and they are not in favor of this rezone. There is just too much mystery, and probability with UDOT, on how many homes are going to be developed.

Nathan Evershed, South Jordan – said in my professional association I am always trying to look for a win, win. I know the developer is wanting to rezone this to residential and I don't think the neighbors are against that, but right now our kids are playing night games on that property, so it would be nice to have something there. I think that you could let the development happen, but it needs to be in a consistent way. I think if you keep it at the R-1.8, or the R-2.5 it will be a win, win for everyone.

Ted Paul, South Jordan – said we have been assured that there is no gentlemen's agreement, but we have been shown a concept plan zoning R.5, which opens it up for Ivory to build these 6,000sq.ft.lots, even though they have showed us there will be bigger lots. The very first notice that I received said that this development was being rezoned at R-2.5, and nobody has ever said anything about that. I called up Bryon Prince and talked to him on the phone and he said the reason for a small strip of R.5 from the original notice that I received, was for Bangerter Highway to make for more shallow lots. Then two days after I talked to him I received a new notice showing, they were rezoning the entire thing R.5. I have already seen an inconsistency coming from the developer. I have looked at the zoning map and I have not been able to find any R.5 in South Jordan City. I would say that seven of these lots meet the R.5 standard, but they do not meet the R.3 zoning as much as they try to make them fit. I am opposed to this rezone. I just don't think Ivory Homes should be able to come in and build these high-density homes compared to the surrounding area.

Julie Hall, South Jordan – said we moved to South Jordan City because of the large lots. I dare you to go into any of the developments around us and find homes that have less than three car garages. Most of

the homes have six car garages. The lots are larger, the houses are bigger, and they cost more money. I know the developer needs to make money. I know that because my family are developers. We are just concerned because the smaller houses you want to approve here tonight they should be in Daybreak. The people that live in Daybreak are happy with small homes and small lots. There should be areas in South Jordan that are consistent, and this area is consistent with large houses, and large lots. If you are a developer you need to charge more money for larger lots, and you will make as much money as you do on smaller homes. We are not opposed to having houses there, it will be better than having an office space there. I go by that street almost every day, so I am very familiar with the property, and all we care about as homeowners is consistency. I am opposed to this rezone, and I would like you to deny it.

Chairman Woolley closed the Public Hearing.

Bryon Prince, SLC (applicant) – said I was surprised that I didn't get a little more support; I thought the residents would have been glad that there would not be office put in next to their neighborhood. In regards to traffic and the other land use concerns, I am sure the residents don't have a big concern about the office zone, because they knew it would never be built, if office was going to be built there it would have been done by now. I need to make a couple of clarifications. My original application was for a blend of R-2.5 and have larger lots on the west side, and smaller lots next to Bangerter, but based on input from the Planning staff they have guided me in the direction of doing R.3 with a development agreement. The development agreement is just the opposite of a gentlemen's agreement; it's an actual recorded legal document that states exactly what the developer is going to do. Our proposal tonight is an R.3 with a development agreement that would lock in 16 lots. We are trying to avoid someone coming in and building homes and then when UDOT decides to come in and expand the right of way, they would have to pay a premium with tax dollars on these houses. Our proposal is the development agreement would have a concept plan showing the exact layout including the exact lot layout, and lot sizing, which would insure that the right of way would be available for UDOT to avoid future conflict. My proposed concept plan does not have any 6,000sq.ft. Lots, not one. The average Lot size is about 10,000sq.ft. I understand that change is very challenging, and scary, but lower density with bigger lots does not equal higher values. If you think the two lots are going to be a game changer then maybe we should go in the direction of the R-2.5, I am not opposed to that. I am happy to engage an independent traffic engineer to do a traffic impact study. I can guarantee you that the amount will be unqualifiable it will be like rounding up. I think with the amount of homes and cars, it will have zero impact. We anticipate these homes ranging in the low 400's to the high 400's price point. That will line up with the existing market value of the homes next door, there is not going to be any major value difference in what we are proposing. We know that UDOT is planning to expand that, the timing is the question, but we have been collaborating with staff to come up with a good compromise, and we thought this would work.

Commissioner Jolley said you keep mentioning R-3, but we are talking about R-5.

Mr. Prince said I have to admit that the staff report was a little confusing even for me. The proposal is for an R-3 rezone with a development agreement that would have a subdivision design with an attached exhibit.

Commissioner Jolley said if this was to be an R-2.5 with a development agreement that says you would still allow that strip to have nothing built on it to allow for the expansion of the UDOT improvements, could you still get 14 lots, or would it be 12 lots?

Mr. Prince said that is the challenge because staff cannot make UDOT do anything, so we will not know until UDOT does the expansion. I would also like to address the Commissioners question pertaining to the storm drain, and will let you know that we will comply with all of the City standards.

City Planner Schindler said I would like to clarify for everyone here that this rezone is proposed as a R.5 zone, because in an R.3 zone you cannot have any lots under 10,000sq.ft., even with a development agreement. You cannot make a zone less restrictive and that is what we would be doing in a R.3 zone, so that is why staff is proposing the R.5 zone.

Commissioner Quinn said I would just like to acknowledge the comments made about the traffic light in the area. I know we are not looking at that tonight with this rezone, but I would like to make sure staff is acknowledging the comments. I have personally been stuck in that area, so I understand your concerns about the traffic.

Assistant City Engineer Shane Greenwood said the stop light there is currently under construction, and even though some of it is in the sidewalk, we are going to re-route the sidewalks, and the light will be going live sometime this summer.

Commissioner Quinn said I am hoping that the light will have a positive impact on the area and not a negative one. I would also like to see a traffic study for the neighborhood, particularly the street to the north. I really appreciated Mr. Johansson's comments in the very beginning. I completely agree with the residents, I think we would all love to see residential development in this area. I am just not ok with the density. I am not comfortable with it, and I don't think it fits the surrounding neighborhoods. I don't think it fits with the Cities overall vision for planning. I don't think an R-5 fits the neighborhood, but I would be ok with the R-2.5 zoning. I do respect staffs opinions, but I do not agree with their opinions, or recommendations on this particular area and development. I suggest that we would look at other alternatives, but I could see us moving forward with the R-2.5 zone.

Commissioner Morrissey said I echo the sentiments from Commissioner Quinn and the recommendation he is putting forth. I think that from the beginning, and after reviewing the plans, this just feels out of place. I agree with many of the comments that have been made by the residents about consistency, and the consistency throughout the City and how we are effectively designating certain land uses and density purposes. There are certain areas for this type of density, but I just don't think this is one of them. I do want to stand by our consistency in the expectations that we have as residents and where we move, and why we move to certain areas. I do agree with the R-2.5, but I would like to see more R-1.8 in the City because I think we have Daybreak for the higher density right now. I am glad that the developer addressed it the way he did. I appreciate his comments as well, I think he was genuine in addressing many of your concerns, I hope you can appreciate that as well. I think we have had a very healthy discussion, and there are other options that the developer is open to, and I think they are trying to be fair.

Commissioner Jolley said I do appreciate the developer looking at this property, because I appreciate this development, and I think something needed to be done there so I am glad that Ivory Homes is looking at it, and considering this development. I also appreciate the foresight on the off ramp designation to look into the future and not cause people heartache when building a new home, and then having to demolish it 5years later. I appreciate all of the residents that spoke, especially the first one Mr. Johansen. He spoke very eloquently and drove home to me that there may be some detrimental effects to adjacent property owners if this is zoned something other than the R-1.8 or the R-2.5. They bought their homes with the intention of being surrounding by similar property owners and sizes of lots, and I think that is appropriate and should be given credit to those that bought their homes in the City. I would not be in favor of sending approval to the City Council with the current zoning.

Council Member Holbrook said I don't know if the public is aware that when you designate R-1.8 zoning, you can have horses, so you might want to consider the R-2.5 zoning. I don't want to rezone this either,

but I have to agree with the Ivory Homes representative, they don't want the office designation now, but when the access goes in there, that traffic pattern would change. I see that too much of our commercial property in our City is being turned into residential with higher density, and medium density. I am not for this with the R-5 zoning.

Chairman Woolley said you would be surprised how many times we have a Public Hearing and one, or two people are here, so we don't have the opportunity to hear from the citizens. I would like to say, "thank you" for being here with us tonight, sitting it out with us, because you were the last agenda item. I to like the rest of the Commissioners appreciated the comments from the residents. We have several issues that just popped up for me. We need to be consistent in our City, our zoning, and not giving up properties that are Master Planned a certain way. We have to consider what is going to happen with Bangerter Highway, and plan for that, and that is not always easy to do, but we want to be ahead of that as well. In looking at the density and zoning around it, I have to agree with my fellow Commissioners that this area should be either rezoned R-1.8 or R-2.5. You could make an argument that possibly the R-3 zoning could fit, but I think that is a long stretch, but I appreciate that the developer will work with staff moving forward. I have always struggled with this piece of property being zoned office because of the access, and the narrow roadways leading into the north parcel. Personally, I would like to see the northern piece be residential.

D.2 Potential Action Item – (See VII.D.1)

Commissioner Quinn said based on the staff report and other information presented to the Planning Commission during the Public Hearing, and the Planning Commission discussion, I move that the Planning Commission forward a negative recommendation to the City Council to approve:

- 1. Resolution R2017-32, amending the land use designation from Office to Medium Density Residential.**
- 2. Ordinance 2017-07-Z, rezoning the subject property from the A-5 & R-1.8 Zones to the R-5 Zone.**

Commissioner Quinn motioned to go against staff recommendation as outlined, and make a recommendation to approve Low Density Land Designation, and rezoning subject property from the A-5 & R-1.8 Zone to the R-2.5 Zone.

Commissioner Holbrook seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Ellis was absent from the vote.

VIII. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Holbrook motioned to adjourn. Commissioner Quinn seconded the motion. Motion was unanimous in favor.

The May 23, 2017 Planning Commission meeting adjourned at 8:50 p.m.

Meeting minutes prepared by Deputy Recorder Cindy Valdez.

This is a true and correct copy of the May 23, 2017 Planning Commission minutes, which were approved on June 13, 2017.


South Jordan City Recorder

MAY 23, 2017

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

Julie B Hall

3674 West Candlebrook Ct

Step Hall

3674 W Candlebrook

Tracy Vander Vaart

10219 Whispering Sands Dr

Brian Hoth

3682 W. Iris Glen CT

Brian Tenney

3632 W. 10020 S

Melanie Grant

3414 W 11400 S S Jordan

Laurie Zimmer

10081 So. 3640 W.

Kevin Zimmer

" " " "

Lou Schantz

10757 S. Beach Comber, S.J.

Marcia Wise

" " "

Mike + Dee Johanson

3667 W. 10020 S. S.J., UT

Fred + Cris Ralfrapper

10263 S. 3725 W

Angie + Russ Whiting

10281 Whispering Sands Dr.

GARY CRANSTON

4700 DAYBREAK AVE

Robert Hogan

10369 S Whispering Sands Dr.

MAY 23, 2017

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME	ADDRESS
Matthew Betts	10343 S. Whispering Sands Dr. S.J, UT
Greta Betts	10343 So. Whispering Sands Cir.
CRASH TAYLOR	3785 W NORFOLK BAY
Bob May	3727 Norfolk Bay
Brady Beyer	10072 S. Autumn Breeze
Ryan Roberts	10172 Autumn Breeze LN
Tina Mae Cullough	11492 S. Lizzi Cove S.J.
Michael & Jaymee Hornberger	3782 Sand Hill Cir
Todd Wilcox	3651 W. 10020 S.
Krista Nunes	10154 Autumn Breeze Ln
LIT BATE	10154 S 3683 W 10125 S
Gregg Cudworth	10222 So. Whispering Sands Dr.
Heckel Yats	9953 So. Dunsmuir Dr.
Natalie Mendenhall	10051 S. 3640 W.
CLARK BELL	3663 W. 10125 S.
Nathan Evershoe	10395 Whispering Sands Cir.
Tim Roll	10329 Whispering Sands Dr.